

**CREATION OF A DEFINED AREA IN THE FORT BEND
COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT
NO. 2; PROVIDING AUTHORITY TO ISSUE BONDS;
PROVIDING AUTHORITY TO IMPOSE ASSESSMENTS, FEES,
AND TAXES**

CHAPTER 669

H.B. No. 4174

AN ACT

relating to the creation of a defined area in the Fort Bend County Water Control and Improvement District No. 2; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 312, Acts of the 57th Legislature, Regular Session, 1961, is amended by adding Sections 9 through 22 to read as follows:

Sec. 9. DEFINED AREA: CREATION OF DEFINED AREA; DESIGNATION. (a) A defined area is created in the district.

(b) The defined area is designated to pay for improvements, facilities, or services that primarily benefit the defined area and do not generally benefit the district as a whole.

Sec. 10. DEFINED AREA: INITIAL TERRITORY. (a) The defined area is initially composed of the territory described by Section 2 of the Act enacting this section.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this section form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect:

(1) the defined area's organization, existence, or validity;

(2) the district's right to issue any type of bond or obligation for the purposes for which the defined area is designated, including to pay the principal of and interest on a bond;

(3) the district's right to impose or collect a tax in the defined area; or

(4) the legality or operation of the defined area or the district.

Sec. 11. DEFINED AREA: EXCLUSION OF LAND. Subject to the City of Stafford providing written consent by ordinance or resolution, the district may exclude land from the defined area in the same manner as the district may exclude land from the district.

Sec. 12. DEFINED AREA: PROCEDURE FOR ELECTION. (a) Before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes of the defined area described by Section 9, the governing body of the district shall call and hold an election in the defined area only.

(b) The governing body of the district may submit the proposition to the voters on the same ballot to be used in another election.

Sec. 13. DEFINED AREA: TAXES FOR SERVICES, IMPROVEMENTS, AND FACILITIES. On approval of the qualified voters in the defined area, the district may apply separately, differently, equitably, and specifically its taxing power and lien authority to the defined area to provide money to construct, administer, maintain, and operate services, improvements, and facilities that primarily benefit the defined area.

Sec. 14. DEFINED AREA: ISSUANCE OF BONDS. On approval of the qualified voters in the defined area, the district may issue bonds to provide for any land, improvements, facilities, plants, equipment, and appliances for the defined area.

Sec. 15. DEFINED AREA: POWERS AND DUTIES. (a) For the benefit of the defined area, the district has the powers and duties provided by the general law of this state necessary to accomplish the purposes of:

(1) Section 59, Article XVI, Texas Constitution;

(2) Section 52, Article III, Texas Constitution, applicable to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads; and

(3) except as provided by this chapter, Chapters 49 and 51, Water Code, applicable to water control and improvement districts created under Section 59, Article XVI, Texas Constitution.

(b) Except as provided by Subsection (c), the governing body of the district shall administer the defined area as provided by Chapter 51, Water Code.

(c) Sections 51.518, 51.519, 51.520, 51.521, 51.522, 51.523, 51.524, 51.526, 51.527, 51.528, and 51.529, Water Code, do not apply to the district.

Sec. 16. DEFINED AREA: AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, for the benefit of the defined area, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads, including roads located outside the boundaries of the defined area that benefit the defined area.

Sec. 17. DEFINED AREA: ROAD STANDARDS AND REQUIREMENTS. A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

Sec. 18. DEFINED AREA: IMPROVEMENT PROJECTS AND SERVICES. For the benefit of the defined area, the district may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service using any money available to the district, or contract with a governmental or private entity to provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service authorized under this chapter.

Sec. 19. DEFINED AREA: ELECTIONS REGARDING TAXES AND BONDS. (a) For the benefit of the defined area, the district may issue, without an election, bonds, notes, and other obligations secured by revenue other than ad valorem taxes.

(b) The district must hold an election in the defined area to obtain approval of the qualified voters of the defined area before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes in the defined area.

(c) An election under this section does not require that an election be held in the part of the district located outside the defined area.

(d) All or any part of any facilities or improvements that may be acquired by a district by the issuance of its bonds may be submitted as a single proposition or as several propositions to be voted on at the election.

Sec. 20. DEFINED AREA: OPERATION AND MAINTENANCE TAX. (a) If authorized by a majority of the voters in the defined area voting at an election held in accordance with Section 19, the district may impose an operation and maintenance tax on taxable property in the defined area in accordance with Section 49.107, Water Code, for any district purpose, including to:

- (1) maintain and operate the defined area;
- (2) construct or acquire improvements; or
- (3) provide a service.

(b) The governing body of the district shall determine the tax rate. The rate may not exceed the rate approved at the election.

(c) Section 49.107(h), Water Code, does not apply to the district.

Sec. 21. DEFINED AREA: AUTHORITY TO BORROW MONEY AND TO ISSUE BONDS AND OTHER OBLIGATIONS. (a) For the benefit of the defined area, the district may borrow money on terms determined by the governing body of the district.

(b) The district may issue bonds, notes, or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, grants, or other district money, or any combination of those sources of money from the defined area, to pay for any authorized district purpose.

(c) The limitation on the outstanding principal amount of bonds, notes, and other obligations provided by Section 49.4645, Water Code, does not apply to the district.

(d) The district must obtain approval from the Texas Commission on Environmental Quality as provided by Chapter 49, Water Code, before the district issues bonds to provide water, sewer, or drainage facilities for the benefit of the defined area.

Sec. 22. DEFINED AREA: TAXES FOR BONDS. *At the time the district issues bonds payable wholly or partly from ad valorem taxes from the defined area, the governing body of the district shall provide for the annual imposition of a continuing direct annual ad valorem tax, without limit as to rate or amount, for each year that all or part of the bonds are outstanding as required and in the manner provided by Sections 51.433 and 51.436, Water Code.*

SECTION 2. The defined area of the Fort Bend County Water Control and Improvement District No. 2 initially includes all territory contained in the following area:

SITUATED in the City of Stafford, Texas and in the Thomas J. Nichols Survey, Abstract No. 296 and the James Alston Survey, Abstract No. 101 of Fort Bend County, Texas and being all of RESERVE A and RESERVE B of TEXAS INSTRUMENTS, an addition to the City of Stafford, according to the Final Plat thereof, recorded under Plat No. 20130165 of the Plat Records of Fort Bend County, Texas and said RESERVE A being part of that certain called 193.3692 acre tract of land described as "Tract No. 1" in a deed recorded in Volume 450, Page 467 of the Deed Records of Fort Bend County, Texas (DRFBCT) and part of that certain called 9.2730 acre tract of land described as "Tract A" and also part of that certain called 15.2574 acre tract of land described as "Tract B" in a deed recorded in Volume 460, Page 202, DRFBCT and RESERVE B being part of that certain called 7.6923 acre tract of land described as "Tract No. 2" in the above described deed recorded in Volume 450, Page 467, DRFBCT and also included is all of that 35 foot strip of land lying between RESERVE A and RESERVE B as described in a deed to Texas Instruments Incorporated, recorded in Volume 561, Page 201, DRFBCT and the consolidation of these three tract of land being more particularly described by metes & bounds as follows:

BEGINNING at a 1/2" iron pipe found for the southeast corner of said RESERVE A, on the west right-of-way line of Murphy Road (120' R.O.W.) and said point also being the northeast corner of Greenbrier Southwest Subdivision Section 4 as recorded in Volume 23, Page 24 of the Plat Records of Fort Bend County, Texas (PRFBCT) said point also being on the south line of the above referenced 15.2574 acre tract;

THENCE: South 89 deg. 50 min. 48 sec. West (Reference Bearing), along the south line of said RESERVE A and the above described 15.2574 acre tract and along the north line of said Greenbrier Southwest Subdivision Section 4 as well as the north lines of Greenbrier Southwest Subdivision Section 3, recorded in Volume 22, Page 23, PRFBCT; Greenbrier Southwest Subdivision Section 2, recorded in Volume 11, Page 14, PRFBCT and Greenbrier Southwest Subdivision Section 1, recorded in Volume 9, Page 9, PRFBCT, a distance of 4,779.75 feet to a 1/2" iron pipe found for the most southerly southwest corner of the above described RESERVE A and said point being in the east right-of-way line of Kirkwood Road (variable width R.O.W.) said point also being in a curve having a radius of 1,349.40 feet and a chord that bears North 12 deg. 06 min. 47 sec. West—401.17 feet;

THENCE: In a northerly direction along the east line of said Kirkwood Road and with said curve to the left, through a total central angle of 17 deg. 05 min. 50 sec., at an arc distance of 304.42 feet, passing a 1/2 inch iron rod, topped with a red plastic cap stamped "RPLS 4701", found for the most westerly southwest corner of said RESERVE A and the southeast corner of the above described 35 foot strip of land and continuing along said curve to the left for a total arc distance of 402.66 feet to a point for corner at the end of said curve;

THENCE: North 21 deg. 32 min. 05 sec. West, continuing along the east right-of-way line of said Kirkwood Road, at 10.78 feet, passing a 3/4 inch iron rod found for the southwest corner of said 35 foot strip of land and the most southerly corner of the above described RESERVE B and continuing on for a total distance 387.89 feet 3/4 inch iron rod found for corner on the southeast right-of-way line of U.S. Highway 59;

THENCE: North 19 deg. 54 min. 57 sec. East, along the southeast right-of-way line of said U. S. Highway 59, a distance of 58.89 feet to a 3/4 inch iron rod found for corner;

THENCE: North 43 deg. 59 min. 43 sec. East, continuing along the southeast right-of-way line of said U.S. Highway 59, a distance of 168.94 feet to a 3/4 inch iron rod found for the northerly corner of said RESERVE B and same being the northwest corner of said 35 foot strip of land;

THENCE: North 43 deg. 59 min. 43 sec. East, continuing along the southeast right-of-way line of said U.S. Highway 59 and across said 35 foot strip of land, a distance of 50.34 feet to a 3/4 inch iron rod found for the northeast corner of said 35 foot strip of land and the most westerly northwest corner of said RESERVE A;

THENCE: in a northeasterly direction with the common line of said RESERVE A and said U.S. Highway 59 as follows:

North 44 deg. 17 min. 43 sec. East, a distance of 15.54 feet to a 3/4 inch iron rod found for corner;

North 45 deg. 24 min. 47 sec. East, a distance of 400.27 feet to a 3/4 inch iron rod found for corner;

North 43 deg. 57 min. 06 sec. East, a distance of 1,149.58 feet to a 3/4 inch iron rod found for corner;

North 47 deg. 35 min. 26 sec. East, a distance of 390.48 feet to a aluminum right-of-way monument found for corner;

North 44 deg. 03 min. 15 sec. East, a distance of 160.95 feet to a 3/4 inch iron rod found for corner;

North 88 deg. 51 min. 59 sec. East, a distance of 42.50 feet to a 3/4 inch iron rod found for corner;

South 46 deg. 06 min. 09 sec. East, a distance of 102.61 feet to a aluminum right-of-way monument found for corner;

South 52 deg. 58 min. 30 sec. East, a distance of 59.54 feet to a 3/4 inch iron rod found for corner;

South 52 deg. 31 min. 08 sec. East, a distance of 21.27 feet to a 5/8 inch iron rod found for corner in the south right-of-way line of Airport Boulevard (100' R.O.W.) said point also being in a curve to the left, having a radius of 2,914.79 feet and a chord that bears South 68 deg. 05 min. 46 sec. East—2,190.07 feet;

THENCE: in a southeasterly direction with the northern line of said RESERVE A and the south right-of-way line of said Airport Boulevard, with said curve to the left, through a central angle of 44 deg. 07 min. 59 sec. and along an arc distance of 2,245.17 feet to a 1/2" iron pipe found for corner at the end of said curve;

THENCE: North 89 deg. 49 min. 22 sec. East, continuing along the common line of said RESERVE A and Airport Boulevard, a distance of 1,125.05 feet to a 1/2 inch iron rod found for the northeast corner of said RESERVE A on the west right-of-way line of Murphy Road said point also being in a curve to the right, having a radius of 22,858.33 feet and a chord that bears South 00 deg. 15 min. 52 sec. East—136.21 feet;

THENCE: in a southerly direction, with the east line of said RESERVE A and the west right-of-way line of said Murphy Road, along said curve to the right, through a central angle of 00 deg. 20 min. 29 sec. and along an arc distance of 136.21 feet to a 1/2 inch iron rod found for corner at the end of said curve;

THENCE: South 00 deg. 03 min. 31 sec. East, continuing along the common line of said RESERVE A and Murphy Road, a distance of 1,383.31 feet to the POINT OF BEGINNING and containing 8,373,627 square feet or 192.232 acres of land.

SECTION 3. The Fort Bend County Water Control and Improvement District No. 2 retains all the rights, powers, privileges, authority, duties, and functions that it had before the effective date of this Act.

SECTION 4. (a) The legislature validates and confirms all acts and proceedings of the Fort Bend County Water Control and Improvement District No. 2 that were taken before the effective date of this Act.

(b) Subsection (a) of this section does not apply to any matter that on the effective date of this Act:

(1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final judgment of a court; or

(2) has been held invalid by a final judgment of a court.

SECTION 5. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

Passed by the House on May 15, 2015: Yeas 139, Nays 0, 2 present, not voting; passed by the Senate on May 26, 2015: Yeas 29, Nays 2.

Filed without signature June 17, 2015.

Effective June 17, 2015.

**CREATION OF THE HAYS COUNTY MUNICIPAL UTILITY
DISTRICT NO. 7; GRANTING A LIMITED POWER OF
EMINENT DOMAIN; PROVIDING AUTHORITY TO ISSUE
BONDS; PROVIDING AUTHORITY TO IMPOSE
ASSESSMENTS, FEES, AND TAXES**

CHAPTER 670

H.B. No. 4183

AN ACT

relating to the creation of the Hays County Municipal Utility District No. 7; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7916 to read as follows:

CHAPTER 7916. HAYS COUNTY MUNICIPAL UTILITY DISTRICT NO. 7